



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB 19 2008

Mr. Steve Costa
gdc
P.O. Box 1238
Trinidad, CA 95570

**RE: RESPONSE TO COMMENTS ON DRAFT NPDES PERMIT FOR COS SAMOA
PACKING COMPANY INC. FACILITY, NPDES NO. AS0000027**

Dear Mr. Costa:

U.S. Environmental Protection Agency ("EPA") has received your comments on the Draft National Pollutant Discharge Elimination System ("NPDES") permit, NPDES No. AS0000027, for the COS Samoa Packing Company, Inc. facility located on the island of Tutuila in American Samoa. You submitted comments on behalf of COS Samoa Packing Company, Inc. that were dated January 30, 2008, and were received electronically by EPA within the 30-day public comment period on January 31, 2008. The public comment period was from January 9 to February 7, 2008.

Pursuant to 40 CFR 124.17(a)(2), EPA is required to respond to all significant comments on the draft permit raised during the public comment period. Enclosed is EPA's response to gdc's comments on behalf of COS Samoa Packing Company, Inc. No other public comments were received on the Draft NPDES Permit for COS Samoa Packing Company Inc.'s facility.

If you have any questions regarding our response to these comments, please contact Mr. Carl Goldstein of the Pacific Islands Office by telephone at (415) 972-9767 or electronic mail at goldstein.carl@epa.gov.

Sincerely,

Doug Eberhardt, Chief
CWA Standards and Permits Office

Enclosure

cc: Director, American Samoa EPA
Mr. Willem Martins, COS Samoa Packing Company, Inc.

U.S. Environmental Protection Agency, Region IX
Response to Comments
on the
COS Samoa Packing Company Inc.
Draft NPDES Permit

Comments on the draft permit were submitted by gdc on behalf of COS Samoa Packing Company, Inc. (herein referred to as "COS Samoa") on January 31, 2008.

1. gdc comment on the cover of the draft permit: *"The latitude and longitude of the discharge appear to be based on old information and datum (NAD 27-Preliminary). In addition, latitude is entered incorrectly in the permit as 13° and should be 14°. We request the correct specification (based on the more recent WGS 84 datum) be used:*

Outfall Latitude: S 14° 16.824' and Outfall Longitude: W 170° 40.133'.

This would update the location to the datum specifications currently in use. This location was measured at the blind flange (end gate) end of the diffuser by Associated Underwater Services in 2007 during outfall maintenance work."

EPA response: EPA appreciates gdc's effort to provide EPA with the most accurate and current information on the description of the Joint Cannery Outfall. Therefore, EPA has revised the draft permit accordingly to reflect the actual position of the discharge location.

2. gdc comment on Part I.A Table 1 of the draft permit: *"We request that the limitation for pH be amended to include the following (which could be added to Part I.B).*

The pH is limited between 6.5 and 8.6 standard units. The total time during which the pH values are outside the required range of pH shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

This is consistent with the existing permit and provides required flexibility in the pH control process. It is noted that the high dilutions achieved by the diffuser will limit any excursions in the receiving water to an extremely small region."

EPA response: Since continuous monitoring of pH in the effluent is a condition of the draft permit and that the facility provides wastewater treatment for pH, EPA believes that excursions may be permitted subject to the following limitations:

"The total time during which the pH values are outside the required range of pH shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes."

EPA's review of pH concentrations in the receiving water near the outfall show pH conditions that are within the pH range defined by ASWQS for Pago Pago Harbor. Therefore, EPA has revised the draft permit accordingly to Part I.A Table 1 of the draft permit to reflect this change.

3. gdc comment on Part I.A Table 1 of the draft permit: *"We note that the units for the limitations stated as loading are not in the table but appear to be, and should be, lbs/day. We also note that the table of limitations includes limitations for the existing permit which should be removed in the new final permit."*

EPA response: EPA appreciates gdc's effort to ensure that the permit accurately reflects the correct units for effluent limitations. EPA has determined a computer error resulted in some units being removed from the Table 1. EPA has corrected this error and the table now describes all units for effluent limitations. Also, EPA concurs that *"Existing Permit Effluent Limitations"* be removed from Table 1 of Part I.A in the draft permit. EPA has revised the draft permit accordingly to reflect this change.

4. gdc comment on Part I.B.5 of the draft permit: *"We request that this limitation be stated as: The discharge shall not causes the temperature in the receiving water to deviate more than 1.5 degrees Fahrenheit from conditions which would occur naturally, fluctuate more than 1 degree Fahrenheit on an hourly basis, or exceed 85 degrees Fahrenheit due to the influence of other than natural causes outside of the zone of initial dilution;*

This would provide consistency with the existing permit and with the limitations for temperature as stated in Table 1 ."

EPA response: Comment noted. The discharge prohibition for temperature is based on section 240206(e) of ASWQS that includes narrative water quality standards that apply to all American Samoa waters whether at or near the discharge point, unless otherwise a zone of mixing is authorized for temperature. Currently, EPA is unaware of an authorized mixing zone for temperature for COS Samoa. In accordance with ASWQS, EPA believes that narrative standards shall be applied at the discharge point unless a mixing zone is authorized by American Samoa to contain alternate standards within a zone of mixing (section 24.0207 of ASWQS). Furthermore, the draft permit establishes temperature effluent limitations that consider cooling effects prior to discharging effluent into the receiving water. EPA believes that this "cooling effect" allows the discharge to meet the discharge prohibition, as written in the draft permit. Therefore, EPA believes that the water quality criterion for temperature has been correctly reflected in the draft permit and has determined no correction to Part I.B.5 is necessary.

5. gdc comment on Part I.B.6 of the draft permit: *"We request that this limitation be stated as: The discharge shall not cause the concentration of toxic pollutants in the receiving water to exceed aquatic life criteria for marine waters or human health criteria for consumption of organisms found in EPA 2002a, or the more recent version (or as found in the ASWQS for arsenic and mercury) outside of the zones of mixing established for copper, zinc, ammonia, and mercury;*

This would provide consistency with the limitations for specific constituents as stated in Table 1."

EPA response: EPA concurs that the discharge prohibition for compliance with the narrative water quality standard for toxicity could be clearer. Part I.B.6 of the draft permit has been revised as follows:

"The discharge shall not cause the concentration of toxic pollutants in the receiving water to exceed aquatic life criteria for marine waters or human health criteria for consumption of organisms found in EPA 2002a, or the more recent version, and section 24.0206 of ASWQS for arsenic and mercury, or outside the zones of mixing established for copper, zinc, mercury, and ammonia."

6. gdc comment on Part I.B.7 of the draft permit: *"We request that this limitation be stated as: The discharge shall not cause the turbidity in the receiving water to exceed 0.75 Nephelometric Units outside the zone of initial dilution;*

This would provide consistency with the existing permit and with the limitations for TSS as stated in Table 1."

EPA response: Comment noted. The discharge prohibition for turbidity is based on section 240206(m) of ASWQS that applies specifically to Pago Pago Harbor, in its entirety, unless otherwise authorized a zone of mixing for turbidity. Currently, EPA is unaware of an authorized mixing zone for turbidity. In accordance with ASWQS, EPA believes that water quality standards for Pago Pago Harbor shall be applied at the discharge point unless a mixing zone is authorized by American Samoa to contain alternate standards within the zone of mixing. Furthermore, while TSS can cause turbidity in the receiving water, there are no water quality standards for TSS for Pago Pago Harbor. Instead, effluent limitations for TSS in the draft permit are based on federally promulgated effluent limitation guidelines. Therefore, the mixing zone provision under ASWQS is not applicable. Consequently, EPA believes that the criterion for turbidity has been correctly reflected in the draft permit and has determined no correction to Part I.B.7 is necessary.

However, should a mixing zone for turbidity be authorized pursuant to ASWQS to reflect the application of the turbidity criterion at and beyond the zone of initial dilution, the draft permit will be revised to include the following:

"The discharge shall not cause the turbidity in the receiving water to exceed 0.75 Nephelometric Units at and beyond the zone of initial dilution."

7. gdc comment on Part I.B.8 of the draft permit: *"We request that this limitation be stated as: The discharge shall not cause the light penetration depth to be less than 65.0 feet (not to exceed given value 50 percent of the time) outside of the zone of initial dilution;*

This would provide consistency with the existing permit and with the limitations for TSS as stated in Table 1."

EPA response: See response to comment #6.

However, should a mixing zone for light penetration be authorized pursuant to ASWQS to reflect the application of the light penetration criterion at and beyond the zone of initial dilution, the draft permit will be revised to include the following:

"The discharge shall not cause the light penetration depth to be less than 65.0 feet (not to exceed given value 50 percent of the time) **at and beyond the zone of initial dilution.**"

8. gdc comment on Part I.B.9 of the draft permit: *"We request that this limitation be stated as: The discharge shall not cause the concentration of dissolved oxygen to be less than 70 percent of saturation or less than 5.0 mg/l **outside of the zone of initial dilution.** If the natural level of dissolved oxygen is less than 5.0 mg/l, the natural level shall become the standard.*

This would provide consistency with the existing permit and with the limitations for BOD as stated in Table 1."

EPA response: See response to comment #6.

However, should a mixing zone for dissolved oxygen be authorized pursuant to ASWQS to reflect the application of the dissolved oxygen criteria at and beyond the zone of initial dilution, the draft permit will be revised to include the following:

"The discharge shall not cause the concentration of dissolved oxygen to be less than 70 percent of saturation or less than 5.0 mg/l **at and beyond the zone of initial dilution.** If the natural level of dissolved oxygen is less than 5.0 mg/l, the natural level shall become the standard."

9. gdc comment on Part II.A.1.a of the draft permit: *"We note that it is required that samples and measurements shall be "representative." We interpret that as meaning samples for effluent monitoring should be taken during normal operations on production days. If this is not the case we request clarification."*

EPA response: EPA appreciates gdc's request for clarification on the term "representative" as it relates to effluent sampling. EPA concurs that effluent monitoring shall be conducted during normal operations on production days. Therefore, EPA has revised the draft permit accordingly to provide clarification on sampling procedures that are representative of the facility's discharge. Part II.A.1.a of the draft permit has been revised as follows:

"Sample and measurements taken as required in this permit shall be representative of the volume and nature of the monitored discharge. All effluent samples shall be taken after in-plant return flows and the final treatment process and before mixing with the receiving waters. **All effluent samples shall be taken during normal operations on production days.**"

10. gdc comment on Part II.A.3.d of the draft permit: *"It is not clear how the 'records of monitoring information' are to be reported. Please clarify if these are to be submitted with DMR forms."*

EPA response: All records of monitoring information shall be submitted with the DMR forms.

11. gdc comment on Part II.B.1 of the draft permit: *"We request that the priority pollutant scan be conducted during the latter half of **fourth year** or the fifth year of the permit.*

This will provide flexibility to coordinate the required sampling with other monitoring requirements and insure that the data are available for the permit renewal deadline."

EPA response: Due to the remote location of the facility, EPA understands the need to coordinate sample collection and analysis for toxic pollutants. Therefore, EPA has revised the draft permit accordingly to extend the period for when priority pollutant analysis is required. Part II.B.1 of the draft permit has been revised as follows:

"In accordance with federal regulations, the permittee shall conduct a Priority Toxics Pollutants scan during the **fourth or** fifth year of the five-year permit term to ensure that the discharge does not contain toxic pollutants in concentrations that may cause a violation of water quality standards."

12. gdc comment on Part V.A.2.a of the draft permit: *"This special condition requires a workplan be submitted to EPA and ASEPA 'no later than one year after the effective date of the permit.' However, Table 2 requires the workplan no later than 180 days following the effective date of the permit. Because the first of the specifications noted was emphasized in bold font in the draft permit, we believe the one year date is EPA's intention. We request that Table 2 be corrected to require the workplan within one year of the effective date of the permit."*

EPA response: EPA concurs that the workplan for the Pollutant Minimization Plan shall be submitted to EPA no later than one year after the effective date of the permit. Table 2 of Part V has been revised accordingly to reflect this oversight.

13. gdc comment on Part V.B.1.a.iv of the draft permit: *"We note that this item is redundant since it is also required in Item vii."*

EPA response: EPA concurs that the monitoring of light penetration and dissolved oxygen at the zone of initial dilution, as described in Part V.B.1.a.iv, are also described in Part V.B.1.a.vii. Therefore, EPA has revised the draft permit accordingly to provide clarification on receiving water monitoring requirements. Part V.B.1.a.iv of the draft permit has been deleted and the section has been re-numbered to reflect this change.

14. gdc comment on Part V.B.1.a.vii of the draft permit: *"We request that this item be changed as indicated below.*

*All stations at the zone of initial dilution, zone of mixing, and reference site the measurement of vertical profiles of temperature, salinity, **light penetration**, and dissolved oxygen, and **light penetration at 65 feet**, to determine compliance with narrative WQBELs and/or ASWQS, and for future initial dilution and mixing zone re-analyses if determined necessary by EPA and ASEPA.*

This would be consistent with the ASWQS for light penetration. It is noted that the light meters being used, and other commercially available instruments appropriate for use in Pago Pago Harbor, have a depth limit that would preclude full vertical profiles at depths found in the Harbor."

EPA response: EPA concurs that vertical profiles of light penetration are not appropriate for monitoring light penetration in the receiving water. Therefore, EPA has revised the draft permit accordingly to provide clarification on receiving water monitoring requirements for light penetration. Part V.B.1.a.vii (now Part V.B.1.a.vi in the final permit as described in comment #13) of the draft permit has been revised as follows:

" All stations at the zone of initial dilution, zone of mixing, and reference site the measurement of vertical profiles of temperature, salinity, and dissolved oxygen, and light penetration at 65 feet, to determine compliance with narrative WQBELs and/or ASWQS, and for future initial dilution and mixing zone re-analyses if determined necessary by EPA and ASEPA.

15. gdc comment on Part V.D.2.d of the draft permit: *"Please clarify the time within which re-sampling and re-testing must occur. Should this be interpreted as re-sampling within 14 days of receiving the test results from the laboratory?"*

EPA response: When the permittee determines that a toxicity test does not meet the test acceptability criteria, EPA requires in the draft permit that the permittee re-sample the effluent and begin re-testing the re-sample within 14 days.

16. gdc comment identifying miscellaneous typographical errors in the draft permit: *"Page 20 of 21 - paragraph 1: 10n should be 10ⁿ and 101 should be 10¹"*

EPA response: EPA concurs and has made the requested changes to the draft permit.

17. gdc general comment on the draft permit: *"We would like to note that meeting specific holding times for samples shipped to mainland laboratories is often difficult and occasionally impossible using commercially available shipping methods. This occurs because the only commercial flights going east (from American Samoa to Honolulu and then to the U.S.) currently leave on Sunday and Thursday. Since normal production days for representative samples are typically from noon Monday through noon Friday, samples must be shipped on Thursday. The only express shipper is DHL. Shipments will arrive in Honolulu on Friday morning and will not generally clear customs until Friday afternoon. They will therefore not leave Honolulu until Monday under normal circumstances. Therefore, Tuesday delivery is the*

soonest delivery will be made, and experience indicates it is often later. This also means that sample temperatures may be above the prescribed holding temperatures. COS Samoa will make reasonable efforts to meet holding times and temperature requirements, but we anticipate that there will be instances that this will not be possible. In such cases laboratories will be instructed to run the required analyses and holding time and temperature exceedances will be noted in the laboratory reports."

EPA response: EPA appreciates gdc's description of the infrequent flights from American Samoa to Hawaii and the mainland and recognizes the difficulty that COS Samoa may have in meeting toxicity method holding requirements because of them. However, on November 8, 2007, EPA granted gdc's request for a variance from the 36-hour whole effluent toxicity sample holding time for effluents collected from the COS Samoa facility. The variance is in effect for the next permit cycle and allows for an extension of the 36-hour holding time requirement to 72 hours, which is the maximum allowable under federal regulations before the sample must be tested. It is the permittee's responsibility to ensure its contract laboratory meets the requirements of toxicity test methods, including those under which a variance has been granted, and properly follows QA/QC procedures and reports accordingly.